A RESOLUTION

WHEREAS, the Legislature of the State of Georgia is determined to maintain and defend the Constitution of the United States, and the Constitution of this State, against every attempt, whether foreign or domestic, to undermine and destroy the fundamental principles embodied in our basic law by which the liberty of the people and the sovereignty of the States in their proper spheres have been protected and assured; and

WHEREAS, the Legislature of the State of Georgia proceeds upon the fundamental fact that the Constitution of the United States expressly provides for three main Branches of Government: the Legislative, the Judicial and the Executive, and that said Branches of Government shall be and remain separate and distinct and that the powers and duties granted by the States to the respective Branches of Government, under the Constitution, shall be exercised exclusively by them, respectively, and

WHEREAS, the chief enemy of the United States is Godless communism, or the Communist International, which caused more than 150,000 casualties among our American soldiers in the recent Korean War, - only suspended by Armistice, without any Treaty of Peace having been executed to end said war -, and the Communist Party, Pro-Communist and Subversive Organizations, and their members, all dedicated to the overthrow of the United States Government and the Constitution by force or unlawful means, are all allied with and form part of said enemy forces of the Communist International, and are the

established enemies of the United States; and

WHEREAS, the Constitution of the United States guarantees "to every state in this union a republican form of government", and necessarily implies that the union itself shall forever remain republican in form and substance; and,

WHEREAS, prior to the adoption of the 17th Amendment in 1913 the Senate of the United States was a hall of republican states whose members were selected by state legislatures, and in consequence their states, and this furnished a certain guarantee that the union itself should forever remain a free republican government; and,

WHEREAS, prior to 1787 free government had been restored and preserved in the British Isles on several occasions by the parliamentary use of bills of attainder, which were thought to be inconsistent with the genius of republican government in America and for such reason were forbidden by the Constitution. As a result the framers of the Constitution liberalized the causes for impeachment of government officials, extending the same to "treason, bribery, or other high crimes and misdemeanors"; the word "misdemeanors" as used in Section 4 of Article II of the Constitution then meant and now means "misconduct" or "misbehavior". The phrase, "other high crimes and misdemeanors" had the same meaning then and has the same meaning now as the same phrase had in the impeachment proceeding against Warren Hastings, which was under way in the House of Commons while the impeachment provisions were being drafted in the Constitution Convention of 1787 in Philadelphia; and

WHEREAS, the 14th Amendment, adopted in 1868, provides in part that

> "No person shall ....., hold any office ..., under the United States ... who, having previously taken an oath ...

to support the Constitution of the United States, shall have .....given aid or comfort to the enemies thereof;"

and,

WHEREAS, the Constitution provides in Article I and repeatedly elsewhere in plain, simple words that all legislative powers granted to the United States are vested in the Congress of the United States; and,

WHEREAS, a republic is "a government of laws and not of men" in which all laws are established by the people themselves, either by immemorial customs or by their own elected representatives in legislative assemblies established for such purpose; yet, nevertheless, laws established by immemorial custom (or common law) were not adjusted to and hence were not adopted by the Constitution for the Union, and hence the federal judiciary was given no jurisdiction of such laws. Thus "judicial power" was "extended" by Article III from nothing in the Articles of Confederation to "cases", in law and equity, arising under this Constitution, the laws of the United States and treaties made, or which shall be made, under their "authority" in Article III. "Judicial power" was further "extended" in Article III so as to permit the federal judiciary to try "cases and controversies" depending upon the laws of nations and of states, in certain clearly defined and specified instances; and,

WHEREAS, Article VI of the Constitution plainly provides that nothing except the Constitution itself, laws enacted by Congress in accordance with the Constitution and treaties theretofore existing or which should thereafter be made in accordance with the Constitution, should be the "law of the land" "supreme" over the constitutions and laws of the several states; and,

WHEREAS, the usurpation of power by any officer of

government is such misconduct as constitutes a misdemeanor within the meaning of Article II of the Constitution, and the promotion of the cause of and shielding adherents to communism is the giving of aid or comfort to the enemies of the United States within the meaning of the 14th Amendment; and

WHEREAS, the following named Justices of the Supreme Court of the United States under the color of their offices and while purporting to exercise powers vested in them as members of the Supreme Court of the United States have unlawfully usurped the powers of the people to amend the Constitution and have exercised legislative powers vested solely in the Congress, or reserved to the states, or to the people and have given aid and comfort to the enemies of the United States in the manners hereafter specified:

THEREFORE, BE IT RESOLVED, by the General Assembly of the State of Georgia that the following named Justices of the Supreme Court of the United States are guilty of attempting to subvert the Constitution of the United States, and of high crimes and misdemeanors in office, and of giving aid or comfort to the enemies of the United States after taking an oath to support the Constitution for which the General Assembly of the State of Georgia, in the performance of its high duty to preserve the republican union of republican states, does hereby impeach said Justices and demand their removal from office for the following reasons:

1.

In Griffin, et al. vs. People of the State of Illinois, rendered on April 23, 1956, 351 U. S. 12, Chief Justice Warren, Justices Black, Douglas, Clark and Frankfurter held that the due process and equal protection clauses of the 14th Amendment of the

Constitution rendered illegal the imprisonment of one charged with armed robbery and duly convicted in the trial court of Illinois, unless the State of Illinois provided the defendant, free of charge, with a transcript of the proceedings to be used in an appeal of his conviction.

The basis of this decision was that, since the law of Illinois authorized appeals in criminal cases, and the particular defendant in question was insolvent, the fourteenth amendment required the state to pay the costs of his appeal.

The effect of this decision is to place upon each of the states the duty of guaranteeing the financial ability of every communist and felon to exercise constitutional rights. In rendering said decision said justices usurped the congressional power to make law in violation of Article I, Sections 1 and 8, and violated Sections 3 and 5 of the 14th Amendment and nullified the 10th Amendment of the Constitution.

2.

In Bridges vs. Wixon, District Director, Immigration and Naturalization Service, 326 U. S. 135, decided June 18, 1945, Justices of the Supreme Court, BLACK, DOUGLAS AND REED, with two deceased former members of the Court, held and adjudged that, although the Attorney General of the United States and two lower federal courts had found from uncontradicted evidence, including his own statements and actions, that the Alien Harry Bridges was a member of and affiliated with the Communist Party and although the Attorney General had ordered his deportation under an Act of Congress making the decision of the Attorney General "final", and although the court had no authority under said law to disturb the finding of the Attorney General, when supported by evidence of probative value, which was unquestioned, the above named Justices constituting a majority of the Court reviewed the proceedings for the deportation of said Harry Bridges and reversed the

Attorney General, and thereby unlawfully gave aid and comfort to the said Harry Bridges, universally recognized in this country as the one Communist most active and dangerous to the welfare of the United States, all in violation of the above provisions of the United States Constitution. For more than a decade said Justices have led a victorious running battle in behalf of Bridges and communism against the Congress and its constitutional powers.

3.

In Schneiderman v. United States, 320 U. S. 118, decided June 21, 1943, Justices of the Supreme Court BLACK, REED AND DOUGLAS, with two deceased former members of said Court, held and adjudged that William Schneiderman, a proven avowed and ardent communist could be "attached to principles of the United States Constitution" within the meaning of the naturalization laws of Congress, and, therefore, not subject to denaturalization and deportation although at the same time "attached to the principles of the Communist Manifesto."

Thereby, the said Justices BLACK, REED AND DOUGLAS effectively repealed and nullified a constitutional law enacted by Congress for the protection of this country against its enemies and in doing so gave aid and comfort to the greatest enemy the United States has ever had, in violation of Article I, Sections 1 and 8; Article III, Section 3, and Sections 3 and 5 of the Fourteenth Amendment of the United States Constitution.

4.

In the case of Brown vs. Board of Education, 347 U. S. 348, decided May 17, 1954, Justices WARREN, BLACK, REED, FRANKFURTER, DOUGLAS AND CLARK, and three other justices who have not followed the pattern of pro-communist and unconstitutional

decisions of those named, denied to the states of the American union that sovereignty reserved to them by the 10th Amendment which includes the power to regulate public education by practices first declared constitutional by the State of Massachusetts, adopted by the Congress, approved by numerous Presidents, affirmed and reaffirmed by the Supreme Court of the United States and practiced by states for more than a century.

It based such decisions on matters of fact as to which the parties affected were not given an opportunity to offer evidence or cross-examine the witnesses against them and in doing so deprived the parties of due process of law.

It cited as authority for the assumed and asserted facts the unsworn writings of men, one of whom was the hireling of an active participant in the litigation. Others were affiliated with organizations declared by the attorney General of the United States to be subversive, and one of whom, in the same writing which the court cited as authority for its decision stated that the Constitution of the United States is "impractical and unsuited to modern conditions".

In reaching its conclusion the supreme court has disregarded its former pronouncements and attempted to justify such action by the expedient of imputing ignorance of psychology to men whose knowledge of the law and understanding of the constitution could not be impugned, and has expressly predicated its determination of the rights of the people of the several sovereign states of the American union upon the psychological conclusions of Kotinsky, Brameld and Myrdal, and their ilk, rather than the legal conclusions of Taft, Holmes, Van Devanter, Brandeis and their contemporaries upon the bench.

In reaching its conclusion the court, professing itself to be unable to ascertain the intent of those who adopted the fourteenth

amendment to the constitution, arbitrarily chose to repudiate the solemn declaration of its meaning rendered under the sanctity of their oaths of office by the justices of the supreme court of the United States at a time when all of its members were contemporaries of those who proposed, discussed, debated, submitted and adopted the amendment.

However much citizens of other states may approve and applaud these decisions, they dare not embrace the theory upon which they are based nor the fallacies therein contained lest they themselves by the application of the same theory and fallacies bring destruction to their institutions and to their liberties.

In rendering said decision said Justices violated the Constitution of the United States, committed high crimes and misdemeanors and gave aid and comfort to the communist enemies of the United States. Some of the applicable provisions of the Constitution thus violated include Article I, Sections 1, 7 and 8, the whole of Article III, Article IV, Section 3, Article VI, and Sections 3 and 5 of the 14th Amendment, the 5th, 9th and 10th Amendments of the Constitution.

5.

In Bolling vs. Sharpe, 347 U. S. 495, rendered on May 17, 1954, Justices WARREN, BLACK, REED, FRANKFURTER, DOUGLAS and CLARK held that the due process clause of the 5th Amendment, written by and adopted by slave owners, and which did not forbid slavery in the District of Columbia between its adoption in 1791 and the adoption of the 13th Amendment in 1865, now forbids the separation of black children from white children in the schools of the District. In so holding said justices amended and changed the Constitution and at the same time implemented the amendment in violation of numerous applicable provisions of the Constitution including Sections 1, 7 and 8 of Article I, the whole of Article III, Article IV, Section 3, Article VI, and

Section 2 of the 13th Amendment, rendering said Justices guilty of high crimes and misconduct as set forth in Article II, Section 4 of the Constitution and of giving aid and comfort to the enemies of the United States within the meaning of Section 3 of the 14th Amendment.

6.

That the said above named Justices, without warrant in the Constitution, extended their above pro-communist racial integration policy and decrees so as to apply the same to intrastate bus transportation and similar cases, on November 7, 1955, in the Case of Baltimore City v. Dawson, 350 U. S. 877; Holmes V. Atlanta, November 7, 1955, 350 U. S. 879, and Gayle and City of Montgomery v. Browder, November 13, 1956, 352 U. S. 903, 77 S. Ct. 10, in spite of the fact that the Court in various consolidated cases, in October, 1883, reported in 109 U. S. 18, held that an Act of Congress which had provided for interracial accomodations on public conveyances on land or water was unconstitutional because Congress was not vested with power to legislate upon such subjects which are within the domain of State legislation, nor authority to create a code of municipal law for the regulation of private rights.

However, in said recent cases, said Justices WARREN, BLACK, REED, FRANKFURTER, DOUGLAS AND CLARK usurped legislative power which the Court in a better day when manned by lawyers had held to be beyond the reach of the constitutional powers of Congress, and thereby actually amended or nullified the applicable provisions of the United States Constitution in furtherance of their undertaking by judicial decrees to carry out communist policies advocated by the so-called sociological authorities cited and adopted by them in the foregoing cases.

By their said unlawful acts, said Justices violated Article I, Sections 1 and 8; Article III, Section 3; Sections 3 and 5 of Amendment

Fourteen and the Fifth, Ninth and Tenth Amendments of the United States Constitution.

7.

That Associate Justice FRANKFURTER, as a volunteer and for years a Member of the Legal Committee of the National Association for the Advancement of Colored People, had assisted that organization in making plans for and in the realization of its objectives as a Communist front organization to advocate, propagandize and litigate to bring on racial strife to secure racial integration from which his own race is immune upon religious grounds, as a part of the Communist objective in the United States, and although having participated and advised in said organization and its plans and objectives, the said Justice FRANKFURTER, instead of recusing himself as Justice of the United States Supreme Court in the consideration of the NAACP Cases, cited above, acted as a Justice of the Court and participated in the policy and decision of the Court to carry out the ultimate purposes of the NAACP, which said acts on the part of the said Justice FRANKFURTER constitutes high crimes and misconduct.

8.

That in the case of the infamous Julius and Ethel Rosenberg, convicted and sentenced to death for war time espionage, because of the sale of atomic secrets to communist Russia, decided June 19, 1953, reported in 346 U. S. 273, Justice DOUGLAS wilfully granted an order to stay the execution of said Russian spies. Said stay order was granted by Jstice DOUGLAS on the intervention of a stranger to said Rosenbergs, and to their case, which intervention was even opposed by the Rosenberg counsel of record. Said stranger who was thus accomodated by Justice DOUGLAS was an irresponsible character whose conviction as a dissolute person by the State of California had been affirmed by the United States

Supreme Court, with the same Associate Justice DOUGLAS dissenting, less than six months previously. (Edelman v. State of California, January 12, 1952, 344 U. S. 357).

That misdemeanor on the part of DOUGLAS made it necessary for the Court to hold a special term to set aside said stay order, which, the Court stated, promised many more months of litigation in a case which had otherwise run its full course and in which said Rosenbergs' plea for stay orders and other dilatory tactics had been denied for the sixth time over a period of more than two years after their conviction and sentence to death, and that the question raised by the said stay order had been considered by the full Court on its merits and denied.

That in said decision, Justices FRANKFURTER and BLACK supported the unlawful action of Justice DOUGLAS, thereby using their judicial offices to give aid and comfort to the communist enemy, in violation of Section 3 of the Fourteenth Amendment of the United States Constitution.

9

That in United States v. Dennis -and other cases involving leading Communist Party organizers in the United States, decided June 4, 1951, reported in 341 U. S. 494, Justices REED and FRANKFURTER dissented and criticised the majority opinion of the Court, affirming the conviction and sentence of said Communists, by assigning the specious reason that the prosecution of said defendants for organizing the Communist Party in the United States for the purpose of overthrowing by force the Government of the United States and its Constitution was a violation of the freedom of speech, under the First Amendment to the Constitution. Thereby said Justices REED and FRANKFURTER used their high judicial offices to give aid and comfort to the Communist enemy, in violation of Section 3 of the Fourteenth Amendment of the

10.

In Phillips Petroleum Co. v. Wisconsin, State of Texas v. Wisconsin, and Federal Power Commission vs. Wisconsin, decided June 7, 1954, reported in 347 U. S. 672, Justices of the Supreme Court WARREN, BLACK, REED and FRANKFURTER (with a Justice now retired), legislated, held and adjudged, contrary to the plain meaning of the Constitution and the intent clearly and carefully expressed in the applicable Act of Congress that the Natural Gas Act applied to the local production and storage of natural gas for sale and subjected such activity to regulation by the Federal Power Commission. In so holding said Justices usurped powers reserved to the states and expressly declined by the Congress and committed high crimes and misdemeanors.

11.

In the Case of Pennsylvania v. Nelson, decided April 2, 1956, reported in 350 U. S. 497, Justices of the Supreme Court WARREN, BLACK, FRANKFURTER, DOUGLAS and CLARK legislated, held and adjudged, contrary to the Constitution and the plain intendment of the applicable Act of Congress and in violation of Article IV, Section 2 of the United States Constitution, specifically recognizing the power and right of the States to prosecute for treason, felony or other crime, that the State of Pennsylvania could not prosecute the defendant Communist for sedition under state law, and nullified all state laws against treason and sedition, which had been enacted by Legislatures under express constitutional reservations and within their inherent police powers to impose regulations for the security, peace and good order in the State, and thereby said Justices unlawfully used their official positions to give aid and comfort to the enemy in violation of Article III, Section 3, Article IV, Section 2, and Section 3 of the 14th Amendment.

In United States vs. Twin Cities Power Company, 350 U. S. 222, decided January 23, 1956, Justices WARREN, BLACK, REED, DOUGLAS and CLARK, constituting a majority of the Court, held that with respect to the Savannah River, a navigable stream, the federal government need not pay riparian owners any compensation whatever for a seizure of riparian rights because, as Justice DOUGLAS phrased it, the fact that private owners had vested property interests in the water under state law, is wholly immaterial because in the federal domain, Congress has left "no vested private claims that constitute private property" for which the federal government need pay compensation (although expressly commanded to do so by the 5th Amendment). Said ruling by said Justices constitutes a precedent of such magnitude as to render all property rights precarious, and the goal of socialized property both inexpensive and convenient and hence nearer attainment. Said ruling by said Justices constitutes misconduct, misbehavior and a "misdemeanor" within the meaning of the impeachment provisions of the Constitution.

13.

In General Box Company vs. United States, 351 U. S. 159, the Supreme Court, following the ruling in United States vs. Twin Cities Power Company, 350 U. S. 222, referred to in the preceding paragraph, held that trees growing upon Louisiana land between the low and the high water mark of a river could be despotically appropriated by the United States Government to its own uses "without incurring liability" to the owners of the land. Said ruling is merely one illustrative unconstitutional extension of the ruling in United States vs. Twin Cities Power Company, supra, and is corroborating evidence that the Justices mentioned in the preceding paragraph are guilty of misbehavior and a misdemeanor within

the meaning of the impeachment provisions of the Constitution.

14.

In the case entitled, Slochower v. Board of Higher Education of the City of New York, decided April 9, 1956, reported in 350 U. S. 551, Justices CLARK, WARREN, BLACK, DOUGLAS and FRANKFURTER held that the City of New York had violated the Constitution of the United States by the summary discharge of a public employee who had refused to answer questions relative to his communistic activities and claimed the benefit of the fifth amendment to the constitution in so doing.

In so holding the court held invalid a charter provision of the city of New York designed to provide for the removal, as quickly as possible, of those public employees who were deemed by the people of that great city to be unfit to be entrusted with any part in the administration of the public affairs of the city.

In so holding the court revoked the prompt removal from a state school of a teacher whose influence was deemed by the school authorities to be inimicable to the best interests of the students in such school.

In so holding the court construed the due process clause of the constitution to give to the federal courts the power to examine into minute details of all administrative state action and to apply arbitrarily to such state action the personal concepts of the justices of the supreme court rather than fixed principles of constitutional law. In making said ruling said justices are guilty of misconduct and a misdemeanor within the meaning of the impeachment provisions of the Constitution.

15.

In Quinn vs. United States, 349 U. S. 155, Emspak vs. United States, 349 U. S. 190, and Bart vs. United States, 349 U. S. 219, Chief Justice WARREN, Justices BLACK, FRANKFURTER, DOUGLAS

and CLARK held that the Congress of the United States in the exercise of investigative powers is powerless to obtain information from communists who claim the privilege against self-incrimination as set forth in the Fifth Amendment, although such Fifth Amendment privilege was specifically limited to "criminal cases" in the First Congress for the reason that traitors had claimed the privilege against self-incrimination before congressional committees of the Continental Congress during the American Revolution (See American Bar Association Journal, Vol. 42, p. 509, 589 et seq.) In so holding said Justices, under color of their high offices, harrassed the Congress and in the words of dissenting Justice Harlan added,

> "Another means for interference and delay in investigations and trials, without adding to the protection of the constitutional right of freedom from self-incrimination."

the effect of said decisions by said Justices was to amend the 5th Amendment by striking therefrom the words "in any criminal case", thus depriving the Congress of a power specifically reserved to it for the purpose of exposing treason. The only efficient purpose of said decisions was to shield and protect communists in their endeavors to subvert the Constitution. Said conduct on the part of said Justices constitutes high crime, misconduct and misbehavior within the meaning of applicable impeachment provisions of the Constitution.

BE IT FURTHER RESOLVED, that the General Assembly of Georgia request the Georgia Representatives in the United States House of Representatives to institute impeachment proceedings in the United States House of Representatives based upon the charges hereinabove set forth, as well as others too numerous to mention here, against the Chief Justice and

Associate Justices of the United States Supreme Court above named; that a copy of this resolution be sent to said Georgia Representatives in the United States Congress and to the Governors and Legislators of the various States of the Union, and the General Assembly of the State of Georgia hereby calls upon the General Assemblies of sister States to adopt similar resolutions calling upon their Representatives in Congress to join the Georgia Representatives in the House of Representatives in the institution and prosecution of impeachment proceedings against said Chief Justice and Associate Justices of the Supreme Court of the United States; and

BE IT FURTHER RESOLVED that a certified copy of these resolutions be forwarded to the Speaker and Clerk of the House of Representatives of the United States Congress for filing in the records of said House as notice and for proper action thereupon, all in accordance with the United States Constitution, Jefferson's Manual and the Rules of said House of Representatives.

ENROLLMENT

March 4, 1957

The Committee of the House on Auditing, Enrolling, Engrossing and Journals has examined the within and finds the same properly enrolled.

Black of Webster
Chairman

M E Moate
Speaker of the House

J R Morris
Clerk of the House

S Grant Vandiver
President of the Senate

George D Stewart
Secretary of the Senate

Received Ben J. Griggins
Secretary, Executive Department
This 4 day of Mar. 1957

Approved
Marvin Griffin
Governor
This 13 day of March 1957

Ex
AR No. 10

H. R. No. 174-554 d

General Assembly

A RESOLUTION

Relative to the impeachment of the Justices of the Supreme Court of the United States, and for other purposes.

IN HOUSE

Read 1st time Feb. 14, 1957
Read 2nd time Feb. 15, 1957
Read 3rd time Feb. 18, 1957
And Adopted

Ayes 107 Nays 33

J R Morris
Clerk of the House

IN SENATE

Read 1st time Feb. 19, 1957
Read 2nd time Feb. 20, 1957
Read 3rd time Feb. 21, 1957
And Adopted

Ayes 37 Nays 11

George D Stewart
Secretary of the Senate

By: Messrs. Moate of Hancock, Hawkins of Screven, Blalock of Clayton, Jessup of Bleckley and Sessions of Floyd